

ASSEMBLY BILL

No. 889

**Introduced by Assembly Member Ruskin
(Coauthors: Assembly Members Koretz and Negrete McLeod)**

February 18, 2005

An act to amend Section 12240, and to repeal Section 12246 of the Business and Professions Code, relating to weights and measures.

LEGISLATIVE COUNSEL'S DIGEST

AB 889, as introduced, Ruskin. Weights and measures.

Existing law, until January 1, 2006, permits the board of supervisors of a county to charge an annual device registration fee to recover the costs of inspecting or testing weighing and measuring devices by the county sealer not to exceed those fees specified in a table of maximum annual charges. Existing law provides that these provisions shall remain in effect only until January 1, 2006.

This bill would provide that these provisions would remain in effect, however, it would also revise and recast the annual registration fees that may be charged by generally setting forth fees but only in blank amounts, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12240 of the Business and Professions
- 2 Code is amended to read:
- 3 12240. (a) Except as otherwise provided in this section, the
- 4 board of supervisors, by ordinance, may charge an annual device
- 5 registration fee, not to exceed the county's total cost of actually

1 inspecting or testing the devices as required by law, to recover
 2 the costs of inspecting or testing weighing and measuring devices
 3 required of the county sealer pursuant to Section 12210, and to
 4 recover the cost of carrying out Section 12211.

5 (b) Except as otherwise provided in this section, the device
 6 registration fee shall not exceed the amount ~~prescribed in the~~
 7 ~~Table of Maximum Annual Charges~~ set forth in subdivision (f).

8 (c) The county may collect the fees biennially, in which case
 9 they shall not exceed twice the amount of an annual fee. The
 10 ordinance shall be adopted pursuant to Article 7 (commencing
 11 with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title
 12 2 of the Government Code.

13 (d) Retail gasoline pump meters, for which the above fees are
 14 assessed, shall be inspected as frequently as required by
 15 regulation, but not less than once every two years.

16 (e) Livestock scales, animal scales and scales used primarily
 17 for weighing feed and seed, for which the above fees are
 18 assessed, shall be inspected as frequently as required by
 19 regulation.

20 ~~(f) Table of Maximum Annual Charges:~~

Number of Devices	Charge Per Location
1 to 3 —	\$ 40
4 to 9 —	\$ 80
10 to 19 —	\$120
20 to 25 —	\$160
Over 25 —	\$200

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 30 (f) *The annual registration fee shall not exceed _____ dollars*
 31 *(\$____) per location and a fee of up to _____ dollars (\$____) per*
 32 *device. For the purposes of this section, each vehicle containing*
 33 *one or more commercial devices is considered a single location.*

34 (g) For marinas, mobilehome parks, recreational vehicle parks,
 35 and apartment complexes, where the owner of the marina, park,
 36 or complex owns and is responsible for the utility meters, the
 37 annual registration fee shall not exceed ~~sixty dollars (\$60)~~ _____
 38 dollars (\$____) per marina, park, or complex, and a fee of up to
 39 two dollars (\$2) per device per space or apartment. Marinas,
 40 mobilehome parks, recreational vehicle parks, and apartment

complexes for which the above fees are assessed shall be inspected and tested as frequently as required by regulation.

(h) For weighing devices, other than livestock and motor truck scales, with capacities of 20,000 pounds or greater, the *annual* registration fee shall ~~be two hundred dollars (\$200)~~ *not exceed _____ dollars (\$____) per location and a fee of up to _____ dollars (\$____) per device.*

(i) For motor truck scales, the *annual* registration fee shall ~~be one hundred dollars (\$100)~~ *not exceed _____ dollars (\$____) per location and a fee of up to _____ dollars (\$____) per device.*

(j) This section does not apply to farm milk tanks.

(k) A scale or device used in a certified farmers' market, as defined by Section 113745 of the Health and Safety Code, is not required to be registered in the county where the market is conducted, if the scale or device has an unexpired seal for the current year, issued by a licensed California county sealer.

(l) For livestock scales with capacities of ~~20,000~~ *10,000* pounds or more, the *annual* registration fee shall ~~be one hundred dollars (\$100)~~ *not exceed _____ dollars (\$____) per device; for livestock scales with capacities of less than 10,000 pounds, the annual registration fee shall not exceed _____ dollars (\$____) per location and a fee of up to _____ dollars (\$____), except that the fee for not more than three devices at a single location shall be one hundred dollars (\$100) not exceed _____ dollars (\$____).*

(m) For liquified petroleum gas (LPG) meters, truck mounted or stationary, the *annual* registration fee shall not exceed _____ dollars (\$____) per location and a fee of up to _____ dollars (\$____) per device.

(n) For wholesale and vehicle meters, the *annual* registration fee shall not exceed _____ dollars (\$____) per location and a fee of _____ dollars (\$____) per device.

SEC. 2. Section 12246 of the Business and Professions Code is repealed.

~~12246. This article shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2006, deletes or extends that date.~~